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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,272	02/20/2002	Vyacheslav S. Belenko	CIT/K-0141	3409
34610	7590	05/08/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			TRUONG, THANHNGA B	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/078,272	Applicant(s) BELENKO ET AL.	
	Examiner Thanhnga B. Truong	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/03/2006 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on February 03, 2006 has been entered. Claims 1-16 are pending. Claims 1-12 are amended by the applicant and claims 14-16 are added by the applicant.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda et al (US 6,707,774), and further in view of Linnartz (US 7,000,113 B1).

a. Referring to claim 1:

i. Kuroda teaches:

(1) receiving an original media data set that includes an original watermark, said original watermark including watermark type, media owner identification information and a first copy control information, the first copy control information being set to one of "copy freely", "copy for display only", "copy one generation", "copy never", and "no more copies" [i.e., in the case of carrying out a digital satellite broadcasting of a moving picture by the satellite broadcasting system 200 as shown in Figure 1, for example, the digital video information DP transmitted from the satellite broadcasting system 200 and received by the satellite broadcasting receiver 301 is usually permitted to be recorded only once. In this case, the digital video information DP is One Copy. Further, when the digital video information DP such as a moving picture or the like is recorded in advance onto a read-only DVD 2 as shown in Figure 1 and the DVD 2 is sold in the market, the reproduction of the digital video information DP recorded on the DVD 2 is usually prohibited. In this case, the digital video information DP is Never Copy. Further, when the DVD 2 recorded with the digital video information DP is

distributed free of charge, the copying of the digital video information DP is not restricted in many cases. In this case, the digital video information DP is Copy Free (column 7, lines 21-37));

(2) analyzing said first copy control information to determine whether said first copy control information is set to "copy one generation" **[i.e., Figure 8 is a control management table for showing a relationship between the statuses of the watermark, the copy protection code and the CGMS and the controls executed to these statuses by the controller 20. This control management table is recorded in advance in the memory of the controller 20, and the controller 20 carries out the record restriction control by using the control management table (column 14, lines 38-44)];**

(3) playing said original media data set only if said first copy control information is set to "copy one generation" **[i.e., One Copy means the permission of recording the digital video information DP or the analog video information AP onto a recording medium only once. In other words, by One Copy, making what is called a first-generation copy is permitted, but making copy of a second-generation and after is prohibited (column 7, lines 11-16). In addition, as shown in Figure 1, for example, the digital video information DP transmitted from the satellite broadcasting system 200 and received by the satellite broadcasting receiver 301 is usually permitted to be recorded only once. In this case, the digital video information DP is One Copy (column 7, lines 23-27)];**

(4) embedding a player watermark into said played media data set, said player watermark including a second copy control information set to "no more copies" and player identification information; and transferring said player watermark-embedded media data set to an external device **[i.e., the digital video information DP and the analog video information AP are embedded with a watermark, a copy protection code and a code based on CGMS (Copy Generation Management System) (hereinafter to be referred to as a "CGMS"). These are identification information for making the recording apparatus 10 and the reproducing apparatus 50 recognize the copy protection applied to the digital**

video information DP and the analog video information AP. The recording apparatus 10 and the reproducing apparatus 50 are based on a predetermined rule on the copy protection that prescribes a disposition, a decision method, a scrambling method, etc. of the watermark, the copy protection code and the CGMS, respectively. As described later, the recording apparatus 10 and the reproducing apparatus 50 can control the recording and reproduction of the digital video information DP and the analog video information AP based on the watermark, the copy protection code and the CGMS (column 7, lines 38-54). Furthermore, the copy protection code represents one of One Copy and No More Copy. "No More Copy" means the prohibition of copying any more as the One Copy digital video information DP or the One Copy analog video information AP has been recorded once onto the DVD 1 or the like. In this case, when the One Copy digital video information DP or the One Copy analog video information AP is once recorded onto the DVD 1 by the recording apparatus 10 and then the digital video information DP recorded on the DVD 1 is read out by the reproducing apparatus 50 and is converted into the analog video information AP and a result is output to the outside, the copy protection code of One Copy is changed to No More Copy by the reproducing apparatus 50 (column 7, lines 66-67 through column 8, lines 1-12)].

ii. Although Kuroda teaches embedding identification information having a function similar to the above into the display range of the image or the video image as a watermark, Kuroda is silent on the capability of showing the specific type of watermark as being owner identification (e.g., serial number). On the other hand, Linnartz teaches:

(1) A further strengthening is achieved if each player not only checks whether a watermark is present on consumer discs, but also check whether a valid serial number is embedded. Known cryptographic methods can be used for integrity checks, e.g. concatenating a digital signature to the serial number. This avoids that a pirate can tamper with serial numbers (column 6, lines 35-44 of Linnartz).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) modify Kuroda's CGMS (Copy Generation Management System) to clearly include the type of watermarks, like, serial number **(column 5, lines 20-22 of Linnartz).**

iv. The ordinary skilled person would have been motivated to:

(1) modify Kuroda's CGMS (Copy Generation Management System) to clearly include the type of watermarks, like, serial number, since the act of copying a moving picture or the like without permission is restricted by the copyright law, etc. Particularly, when a moving picture or the like is copied digitally, there occurs no quality degradation in the moving picture copied. Accordingly, it is necessary to severely restrict the copying of digital video information using a DVD in order to promote the distribution of DVD as well **(column 1, lines 38-45 of Kuroda).**

b. Referring to claims 2, 3, 4-7:

i. These claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

c. Referring to claims 8, 9:

i. These claims have limitations that is similar to those of claims 2 and 3, thus they are rejected with the same rationale applied against claims 2 and 3 above.

d. Referring to claim 10:

i. This claim has limitations that is similar to those of claim 4, thus it is rejected with the same rationale applied against claim 4 above.

e. Referring to claims 11, 12:

i. These claims have limitations that is similar to those of claims 5 and 6, thus they are rejected with the same rationale applied against claims 5 and 6 above.

f. Referring to claims 13 and 15:

i. Kuroda further teaches:

(1) wherein said watermark type is used to determine whether the watermark is original or not [i.e., the digital video information DP and the analog video information AP are embedded with a watermark, a copy protection code and a code based on CGMS (Copy Generation Management System) (hereinafter to be referred to as a "CGMS"). These are identification information for making the recording apparatus 10 and the reproducing apparatus 50 recognize the copy protection applied to the digital video information DP and the analog video information AP (column 7, lines 38-45 of Kuroda)].

g. Referring to claims 14 and 16:

i. The combination of teachings between Kuroda and Linnartz teaches the claimed subject matter. Linnartz further teaches:

(1) wherein said media owner identification is used to bind a media owner with the media data set [i.e., a further strengthening is achieved if each player not only checks whether a watermark is present on consumer discs, but also check whether a valid serial number is embedded. Known cryptographic methods can be used for integrity checks, e.g. concatenating a digital signature to the serial number. This avoids that a pirate can tamper with serial numbers (column 6, lines 35-44 of Linnartz)].

Response to Argument

4. Applicant's arguments filed February 03, 2006 have been fully considered but they are not persuasive. The new amended limitation that applicant argues in the remark has been addressed in the new ground(s) of rejection provided in this office action.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

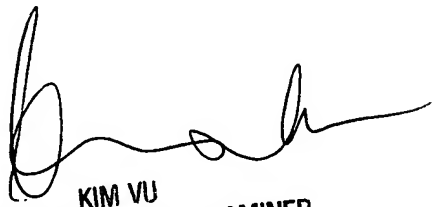
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

TBT

April 28, 2006



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100